

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

CASE NO. 06-14396

SONYA MILES,

Defendant.

DISTRICT JUDGE JOHN CORBETT O'MEARA

MAGISTRATE JUDGE STEVEN D. PEPE

_____/

ORDER CONCERNING DEFENDANT'S REQUEST FOR HEARING (DKT.# 14-17)

On June 12, 2007, Plaintiff filed four Request For Hearing About The Garnishment And Claim For Exemptions (Dkt. #s 14-17). Plaintiff's request for hearing was referred for hearing and determination pursuant to 28 U.S.C. § 636 (B)(1)(A) (Dkt. #18). A hearing was held on Plaintiff's requests on July 12, 2007.

This matter involves a student loan taken by Defendant in 1989 to attend the Michigan Computer Institute. Defendant defaulted on the loan, and the balance of the promissory note was accelerated. After the holder of the promissory note assigned its right and title to the loans to the Department of Education, Plaintiff filed suit in this matter on October 6, 2006. After service and failure of a response, on May 1, 2007, this Court entered a Clerk's Entry of Default and a Judgment by Default against Defendant.

On June 8, 2007, Plaintiff served Writs of Garnishment on Defendant's employer, Davita, Inc., and upon the Michigan Department of Treasury. The service of the Writs of Garnishment prompted Defendant to file a Request for Hearing About The Garnishment And Claim For Exemptions.

A telephonic hearing was held on July 12, 2007, and Defendant acknowledged no exemptions were available against her wage and state tax garnishments. Plaintiff and Defendant agreed to reinstate the Plaintiff's offer to resolve the employer garnishment through a Defendant's Wage Assignment to pay on the Judgment in bi-weekly installment amounts of \$40.00. Plaintiff will send Defendant wage assignment forms today, and if these are properly signed and returned to Plaintiff's counsel on or before July 31, 2007, the garnishment against Plaintiff's employer, Davita, Inc., will be withdrawn and notice thereof given to Plaintiff's employer. The garnishment against the State of Michigan Department of Treasury will remain and not be affected by this order.

If the wage assignment is signed and payments made according to its term, counsel for Plaintiff stated that a letter to that effect would be provided Defendant when requested in order to assist her in getting student loans or other aid for her current educational pursuits.

So Ordered

July 19, 2007

s/Steven D. Pepe
Steven D. Pepe
United States Magistrate Judge

CERTIFICATE OF SERVICE

I hereby certify that on July 19, 2007, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send notification of such filing to the following: Pamela S. Ritter, and I hereby certify that I have mailed by United States Postal Service the paper to the following non-ECF participants: Sonya Miles, 26750 Parkcrest Circle, #202, Westland, MI 48185

s/ James P. Peltier
James P. Peltier
U.S. District Court
600 Church St.
Flint, MI 48502
810-341-7850
pete_peltier@mied.uscourts.gov